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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1070 (1996)

I. INTRODUCTION

1. In paragraph 1 of resolution 1070 (1996) of 16 August 1996, the Security Council demanded once again that the Government of the Sudan comply fully and without further delay with the requests set out in paragraph 4 of resolution 1044 (1996) as reaffirmed in paragraph 1 of resolution 1054 (1996). In paragraph 2 of resolution 1070 (1996), the Council noted the steps taken by some Member States to give effect to the provisions set out in paragraph 3 of resolution 1054 (1996) and requested those States that had not yet done so to report to the Secretary-General as soon as possible on the steps they had taken to that end.

2. In paragraph 3 of resolution 1070 (1996), the Security Council decided that all States should deny aircraft permission to take off from, land in, or overfly their territories if the aircraft was registered in the Sudan or owned, leased or operated by or on behalf of Sudan Airways or by any undertaking, wherever located or organized, which was substantially owned or controlled by Sudan Airways, or owned, leased or operated by the Government or public authorities of the Sudan, or by an undertaking, wherever located or organized, which was substantially owned or controlled by the Government or public authorities of the Sudan. In paragraph 4, the Council further decided that it should, 90 days after the date of adoption of that resolution, determine the date of entry into force of the provisions set out in its paragraph 3 and all aspects of the modalities of its implementation, unless it decided before then, on the basis of a report presented by the Secretary-General, on the compliance by the Sudan with the demand in paragraph 1 of the resolution. In paragraph 5, the Council requested the Secretary-General to submit a report by 15 November 1996 on the compliance by the Sudan with the provisions of paragraph 1 of the resolution.

3. The present report is submitted pursuant to the above-mentioned requests of the Security Council. Section II deals with steps taken by Member States pursuant to paragraph 3 of resolution 1054 (1996) and paragraph 2 of resolution 1070 (1996). Section III contains information on activities pursued by me and, on my behalf, by my Special Envoy to the Sudan, Mr. Lakhdar Brahimi. Section IV contains some observations.

II. MEASURES TAKEN BY MEMBER STATES PURSUANT TO PARAGRAPH 3 OF RESOLUTION 1054 (1996) AND PARAGRAPH 2 OF RESOLUTION 1070 (1996)

4. Since the issuance of my report to the Council of 10 July 1996 (S/1996/541) and the addenda of 17 and 23 July and 15 August 1996 (S/1996/541/Add.1-3) and pursuant to paragraph 2 of resolution 1070 (1996), three more replies from Member States have been received as at 11 November 1996 (see annex), bringing to 63 the total of replies received. All the replies have been issued as documents of the Security Council.

5. The three latest replies provided information in connection with paragraph 3 of resolution 1054 (1996). Two States reported that they had taken action in compliance with subparagraph 3 (b) of the resolution and indicated that they did not have diplomatic representation in the Sudan nor did the Sudan have diplomatic representation in their country. One State reported that the Sudan did not have diplomatic representation in it and added that it had no record of Sudanese Government officials or diplomatic personnel having entered the country and that the provisions of the relevant Security Council resolutions had been noted for appropriate action.

III. ACTIVITIES OF THE SECRETARY-GENERAL

6. On 19 August I transmitted to all Member States the text of resolution 1070 (1996). On 23 August I wrote a follow-up note verbale to all Member States on the implementation of paragraph 2 of that resolution.

7. On 8 October, I met with the Minister for Foreign Affairs of the Sudan, who briefed me on the status of the Sudan's relations with four of its neighbours, namely, Egypt, Eritrea, Ethiopia and Uganda. We discussed resolution 1070 (1996), and I stressed the importance of having the full cooperation of the Government of the Sudan in implementing its provisions. I informed the Foreign Minister of my intention to send a mission to the Sudan to consult with his Government before submitting my report to the Security Council. The Minister welcomed this decision.

8. In preparation for this report, my Special Envoy undertook a mission to the Sudan from 26 to 30 October 1996 to consult with the Government and collect information on its compliance with the Security Council's demand. During his stay in the Sudan, my Special Envoy held consultations with the head of State, the Minister for Foreign Affairs and senior officials of the Ministry of Foreign Affairs, the Minister of the Interior and the Minister of Justice. Subsequently, on 30 and 31 October, he visited Cairo for contacts with Egyptian officials. The information gathered by my Special Envoy is summarized below.

A. Compliance by the Sudan with the request for extradition in connection with the assassination attempt on President Mubarak

9. The representatives of the Government of the Sudan maintained that the Sudan was innocent of the charges made against it with respect to three individuals suspected of involvement in the attempt to assassinate President Mubarak. The Government was not able to establish whether the three were present in the Sudan at the time the incident took place or at the time the Sudan was requested to hand them over. The Government knew that one of the suspects might have entered the country, but it had no further information. The authorities also stated that it had been proved that one of the three suspects was in Afghanistan and that there were indications that another might have gone to Kenya and that the third might have been killed.

10. The Government representatives told my Special Envoy that the information initially supplied was very sketchy and that Ethiopia and Egypt had not responded to their request for additional information. The Sudanese interlocutors also felt that the Security Council resolutions were unfair since they were based on the assumption that the three suspects were in the Sudan even though no evidence had been produced in support thereof. They claimed that it was now established that, even if any or all of the suspects had visited the Sudan at some point, none of them was present in the country at the time. Consequently, they wondered how the Sudan could be expected to extradite them.

11. Notwithstanding these protestations, the Sudanese authorities reiterated their willingness to cooperate fully with my Special Envoy and to comply with the request of the Security Council concerning the three suspects. They recalled that the Government had initially responded promptly to a request by Ethiopia by establishing a committee whose purpose was to locate the three persons. They added that, despite the meagre information and the alleged reluctance of Egypt and Ethiopia to provide additional information, the Sudan had throughout shown its willingness to search for the three inside and even outside the country.

B. Compliance by the Sudan with the request concerning support to terrorism and steps to improve relations with neighbouring countries

12. The Sudanese authorities reiterated their firm condemnation of all forms of terrorism and stressed their commitment to fight it in word and in deed. They noted that in the past the Sudan had provided proof of this commitment by extraditing "Carlos" and a number of other persons, including aeroplane hijackers.

13. Sudanese officials with whom my Special Envoy spoke acknowledged that the open-door policy (visa exemption) they had established in 1990 in the name of pan-Arabism might have enabled some terrorists to enter the country easily. They also did not exclude the possibility that some alleged terrorists might have infiltrated the country's long and unguarded borders. This was difficult to ascertain and would have been done without the knowledge of the authorities.

14. The Government was more keen than ever, my Special Envoy was told, to pursue the Sudan's long-standing policy of fighting terrorism. To this end it had adopted a number of new measures, such as reinstating the regulation requiring all foreigners to have entry visas, reviewing the status of all foreigners who had entered the country at a time when no entry visas were required, requesting a number of Egyptians, Palestinians and "Arab Afghans" (including Oussama Ben Laden) to leave the country (which they had), and undertaking very close scrutiny of applications for visas to enter, leave or reside in the Sudan.

15. Government officials also reiterated their readiness to welcome a Security Council mission to investigate any location in the country suspected of providing training for terrorists and to provide the mission with freedom of movement and of contacts and to allow it to travel to any part of the country it wished to visit.

16. My Special Envoy's interlocutors stressed the willingness of the Government of the Sudan to cooperate with any country which possessed information about any person in the Sudan who constituted a threat to that country's security.

17. The Sudanese authorities reiterated their commitment to the principles of the Charter of the United Nations and their willingness to strengthen and improve their country's relations with all neighbouring States without exception and to enhance regional cooperation. They pointed out that, contrary to the general impression, the Sudan maintained good relations with many of its neighbours. They assured my Special Envoy that they would welcome United Nations assistance in improving relations with the others.

C. Humanitarian and economic aspects

18. During my Special Envoy's mission, the Sudanese Government, trade unions, non-governmental organizations and private air transport companies all spoke of the likely negative humanitarian effects of the possible ban envisaged in resolution 1070 (1996) and gave my Envoy memoranda and petitions thereon. His attention was also drawn to the potential negative impact on the health situation. My Special Envoy's interlocutors also underlined the likely economic consequences of a possible ban.

IV. OBSERVATIONS

19. In this and my earlier report (S/1996/541 and Add.1-3), I have placed before the Security Council the information transmitted to me by Member States on steps taken by them to implement the relevant resolutions of the Council. No communications have been received from Member States on the issue of the Sudan's compliance with the Council's demand. I am now placing before the Council the results of the mission to the Sudan by my Special Envoy, Mr. Lakhdar Brahimi.

20. As reflected in the preceding paragraphs, the situation has not changed significantly since my last report to the Council. While the Council demands compliance with its requests by the Government of the Sudan, the latter maintains that it cannot extradite suspects who are not in the country, that it firmly condemns all forms of terrorism, and that it is working to improve its relations with all its neighbours.

Annex

Replies submitted by Member States pursuant to paragraph 2 of resolution 1070 (1996)

The former Yugoslav Republic of Macedonia	21 August 1996	S/1996/703
Ghana	12 September 1996	S/1996/749
Singapore	11 October 1996	S/1996/850